



13 NOV 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DEFILLO & ASSOCIATES INC.
4922 EAGLE COVE SOUTH DRIVE
PALM HARBOR, FL 34685

In re Application of	:	
GALAN I LLANGUERAS	:	
Application No.: 10/540,429	:	DECISION
PCT No.: PCT/ES03/00655	:	
Int. Filing Date: 23 December 2003	:	
Priority Date: 23 December 2002	:	
Attorney Docket No.: 26740-000/MXM	:	
For: FLUID SPINNING SYSTEM	:	

This decision is in response to applicants' submission filed 25 September 2006.

BACKGROUND

On 23 December 2003, applicants filed international application PCT/ES03/00655 which designated the U.S. and claimed a priority date of 23 December 2002. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 08 July 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 23 June 2005.

On 07 July 2005, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, an assertion of small entity status, a declaration of inventors, and a petition under 37 CFR 1.137(b) to revive the application.

On 21 February 2006, a decision was mailed granting applicant's petition under 37 CFR 1.137(b). The decision also noted that there was a difference in names in the named inventor between the published international application (Albert GALAN I LLANGUERAS) and the declaration of inventors (Albert GALAN I LLONGUERAS) and that applicant was required to provide a new oath(s) or declaration(s) properly identifying the inventor and signed by the inventor, or an acceptable explanation of any typographical or transliteration error in the middle name of the inventor as indicated in the international application if this is the case, or a petition under 37 CFR 1.182 (see MPEP § 605.04(c)) if the inventor has changed his name, or a petition under 37 CFR 1.497(d) if a change of inventorship is being made from the inventorship of the application as indicated in the international application. The decision set a two-month extendable time period for response.

On 09 May 2006, a request for withdrawal as attorney was submitted by the firm associated with Customer Number 32137.

On 13 July 2006, a decision was mailed granting the request to withdraw as attorney.

On 25 July 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) indicating that a translation of the application into English, the processing fee under 37 CFR 1.492(i) for providing the translation later than thirty months from the priority date, an executed oath or declaration of inventors in compliance with 37 CFR 1.497(a)-(b), and the surcharge under 37 CFR 1.492(h) were required.

On 25 September 2006, applicant filed a submission including, inter alia, a Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address, an executed declaration of the inventor, the surcharge under 37 CFR 1.492(h), a petition/fee for a five-month extension of time, a translation of the international application into English, the processing fee under 37 CFR 1.492(i), and a petition under 37 CFR 1.497(d).

DISCUSSION

Petition Under 37 CFR 1.497(d)

A petition under 37 CFR 1.497(d) is only required where the inventive entity in the national stage application is different than the inventive entity in the international application. Here, the inventive entities are the same. The petition filed 25 September 2006 concerns the correction of an inventor's name and notifies the Office that the correct translation of the inventor's name is as follows: **Albert Galan I Llongueras** as indicated in the declaration filed 25 September 2006 rather than Albert Galan I Llangueras, as is indicated in the international application. The petition explains that the international application contained a typographical error.

Applicants' explanation of the difference in the translation of Albert Galan I Llongueras's name is accepted and noted for the record.

Translation

The translation filed 25 September 2006 is not an accurate translation of the international application as filed. The translation of text matter in a drawing must be in the form of a copy of the original drawing with the translation pasted on the original text matter or in the form of a drawing executed anew. PCT Rules 76.5 and 49.5(d). The translation filed 25 September 2006 still contains foreign text in Figs. 1-4. Thus, the translation is defective. An accurate translation of the international application as filed is required in order to comply with 35 U.S.C. 371.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.497(d) is **DISMISSED** as

MOOT.

A proper response must be filed within a time limit of ONE MONTH from the date of this decision or within the time remaining in the response set forth in the NOTIFICATION mailed 25 July 2006, whichever is longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the NOTIFICATION mailed 25 July 2006 may be extended under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Daniel Stemmer

Legal Examiner

PCT Legal Affairs

Office of Patent Cooperation Treaty

Legal Administration

Telephone: (571) 272-3301

Facsimile: (571) 273-0459

11/13/2006 SBASHEIR 00000002 10540429

01 FC:2617

65.00 OP

02 FC:1618

130.00 OP